

### **REMARKS**

The Office Action mailed June 15, 2005 has been reviewed and carefully considered. Claim 9 is rewritten into independent form, but is not otherwise revised. Claim 25 is added. Claims 1-25 are pending, the independent claims being 1, 7, 9, 13, 17 and 22. Claims 1, 3, 5-9, 11-15, 17-19 and 22-24 are amended. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,868,277 to Cerwall et al. ("Cerwall") in view of U.S. Patent No. 6,169,761 to Marcoccia et al. ("Marcoccia").

Claim 9, now redrafted into independent form but not otherwise revised, recites, ". . . selecting a new channel . . . switching said plurality of STAs to said new channel."

The Office Action cites to the first half of claim 10 in Cerwall, but claim 10 in Cerwall relates to "a mobile station" (see preamble of claim 10 in Cerwall) rather than a plurality of stations. In the Cerwall Time Division Multiple Access (TDMA) system (col. 4, lines 39-40), "each BTS transmits on several separated radio frequencies" (col. 4, lines 44-45). To each downlink frequency there is a corresponding uplink frequency which is used by the mobile station. Measurement results are used "to decide which channel to camp on" (col. 1, lines 1-5), but the decision is made for a single mobile station (col. 6, lines 38-40; col. 9, line 4). The applied references, alone or in combination, lack any suggestion for ". . . a plurality of stations (STAs) located within the coverage area of a basic service set (BSS) in a wireless local area network (WLAN). . .", ". . . switching said plurality of STAs to said new channel."

In addition, as the Office Action, acknowledges, the Cerwall TDMA system would not feature the "Clear Channel Assessment (CCA)" of the present claim 1. It would not have been obvious to implement a Cerwall TDMA system with a CCA, the latter being utilized in carrier-sense, multiple-access, collision avoidance (CSMA/CA) and not in TDMA.

Moreover, Marcoccia relates to spread spectrum frequency hopping, and is thus incompatible with the Cerwall TDMA system.

For at least the above reasons, the applied references fail to render obvious the present invention as recited in claim 9. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 1, as amended, recites, ". . . determining whether a new channel to be used by all of the plural STAs is needed. . . Clear Channel Assessment (CCA) busy periods. . ."

The amendment of claim 1 finds support in the specification (e.g., page 2, line 16; page 16, lines 20-21).

The applied references, alone or in combination, fail to disclose or suggest this aspect of claim 1 as amended.

The other pre-existing independent claims 7, 13, and 17, as amended, include this aspect quoted above for claim 1, and are likewise deemed to distinguish patentably over the applied references.

The amendment of claim 12 finds support at least at line 11 of page 8 in the specification.

Claims 21-24 stand rejected under 35 U.S.C. 103(a) as unpatentable over Cerwall in view of Marcoccia and U.S. Patent No. 6,694,138 to Kobylinski et al. ("Kobylinski").

Claim 21 depends from claim 17, and Kobylinski fails to compensate for the shortcomings of the other two applied references.

Independent claim 22 has been amended in a manner similar to claims 1, 7, 13 and 17, and is deemed to distinguish patentably over Cerwall and Marcoccia for at least this reason. Kobylinski fails to make up for the deficiencies of the other references.

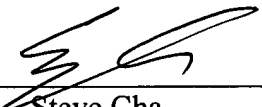
A check for \$250.00 is enclosed in payment of the fee for creating an additional, independent claim in excess of three total, and for adding a dependent claim to exceed a total of twenty for all claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross  
Registration No. 40,007

Date: September 15, 2005

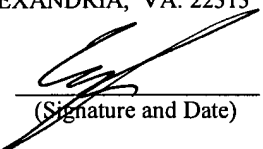
  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

**Mail all correspondence to:**  
Russell Gross, Registration No. 40,007  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9608  
Fax: (914) 332-0615

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on September 15, 2005.

Steve Cha, Reg. No. 44,069  
(Name of Registered Rep.)

  
(Signature and Date)